United Nations A/63/722

General Assembly

Distr.: General
17 February 2009

Original: English

**Sixty-third session**
Agenda item 31
**Comprehensive review of the whole question of peacekeeping operations in all their aspects**

## Letter dated 9 February 2009 from the Permanent Representatives of Australia and Uruguay to the United Nations addressed to the President of the General Assembly

We have the honour of addressing you regarding the workshop on the implementation of protection of civilians mandates in United Nations peacekeeping operations co-hosted by the Permanent Missions of Australia and Uruguay to the United Nations in New York on 27 January 2009.

We consider that this was a very good opportunity to encourage an open, broad and constructive dialogue among all stakeholders, in order to try to move forward the debate on this issue and to work towards creating a common understanding of protection tasks, to identify the challenges of implementation and to consider ways to improve the situation.

A summary of the workshop discussions is attached (see annex). It tries to describe, briefly and objectively, the main concerns, challenges and understandings raised by the diverse participants in this event.

We hope that this document may be helpful in discussions of these issues that could eventually take place in the General Assembly or its specialized body, the Special Committee on Peacekeeping Operations.

We request that this letter and its annex be circulated to all Member States as a document of the General Assembly.

(*Signed*) Robert **Hill**

(*Signed*) José Luis **Cancela Gómez**

09-24049 (E) 190209

## Annex to the letter dated 9 February 2009 from the Permanent Representatives of Australia and Uruguay to the United Nations addressed to the President of the General Assembly

## Workshop on the implementation of protection of civilians mandates in United Nations peacekeeping operations, New York, 27 January 2009

## Summary of discussions

The Permanent Missions of Australia and Uruguay to the United Nations co-hosted a workshop on 27 January 2009 on the implementation of protection of civilians mandates in United Nations peacekeeping operations.

In the United Nations context, "protection of civilians" is relevant to a broad range of situations including humanitarian activities and improved access for humanitarian personnel, peacekeeping activities, peacebuilding activities, promotion of respect for the principles of international humanitarian law, and legal accountability issues. Significant progress has been made on a number of key protection issues including progress on the safety and security of humanitarian personnel, the inclusion of protection tasks in a number of peacekeeping mission mandates, normative development, and steps taken to ensure the legal accountability of perpetrators of violent crimes against civilians.

In the operational context, the term "protection of civilians" refers primarily to protection tasks mandated in United Nations missions, most often requiring peacekeepers to "protect civilians under imminent threat of physical violence". It is this aspect of the United Nations protection work that formed the main focus of the workshop. In addressing this aspect the workshop covered three areas:

- Understanding the mandate: What is "protection of civilians"?
- Implementing the mandate: How is the mandate being implemented? What are the challenges?
- Improving the situation: What is being done to improve the situation? What else needs to be done?

The workshop was divided into three sessions to discuss each of these aspects, with a panel discussion followed by an interactive session with workshop participants. A summary of the key issues discussed during the workshop follows.

**Session 1: Understanding the mandate: what is "protection of civilians"?**

The panellists agreed that an understanding of both the conflict and its actors is fundamental to the success of any peacekeeping mission, particularly a mission mandated to protect civilians. In all cases civilians are either involved directly in the conflict or used as tools of the protagonists. It is therefore important that the United Nations Security Council develop clear, credible, and achievable mandates for peacekeeping missions matched with the necessary resources, both financial and personnel. It is also important that the Security Council strive for greater inclusiveness between decision makers, the United Nations Secretariat, troop- and police-contributing countries, and committees such as the Fifth Committee, to ensure a clear understanding of a protection mandate, and the resources required to achieve a successful outcome.

The requirement for rapid response was also identified as essential. In too many cases United Nations deployment had not occurred in a time frame that allowed the alleviation of the suffering of civilian populations. This slow response often complicates the ability of the peacekeeping mission to successfully protect civilian populations. The United Nations ability to successfully protect civilians was viewed as requiring all elements of a peacekeeping mission including legal, political, humanitarian, peacekeeping and human rights elements. An ability to rapidly respond to developing situations together with an ability to coordinate quickly the actions of United Nations agencies was viewed as a priority concern amongst participants.

The concept of protection of civilians was also viewed as being broader than ensuring the safety of the civilian population. Consideration must be given to preserving the dignity of the population and the need to conduct protection activities in a way that enables a return to "ordinary life" as soon as possible. To this end every effort should be made to protect populations as near to their original homes as possible. Relocation to camps in neighbouring countries was considered extremely disruptive and not in the spirit of a protection of civilians mandate. An improved capacity of the United Nations to act swiftly where civilian populations are threatened will help mitigate this issue. Consent of the host country and the United Nations mission's ability to remain impartial will also assist in this regard.

It was made clear by different panellists that protection of civilians tasks — which have been mandated in United Nations peacekeeping operations since 1999 — do not derive from the responsibility to protect principle. Rather, they are based on the principles of international humanitarian law.

**Session 2: Implementing the mandate: How is the mandate being implemented? What are the challenges?**

This session focused on the difficult issue of mandate implementation. There was agreement that protection of civilians mandates are not well understood, particularly from a police and military perspective, and there is a need for clearer guidance to be provided. There was also agreement that the protection of civilians is not the exclusive province of the military. A successful outcome under a protection of civilians mandate demands a holistic approach within the mission that synergizes all the components and resources available including the country team and the host nation. Early, integrated planning involving all actors will significantly contribute to a successful outcome as it will promote ownership within the United Nations mission, the host nation and the civilian population affected.

There is also a requirement to develop and implement appropriate training programmes for peacekeepers. This would heighten the awareness and responsiveness of troop- and police-contributing countries to the responsibilities and requirements demanded by a protection of civilians mandate. Special attention should be given to protecting internally displaced persons, disarmament, demobilization and reintegration plans, zero tolerance of sexual exploitation and abuse by peacekeeping forces, and post-conflict peacebuilding strategies.

Matching mandates with resources was considered pivotal to the success of a protection of civilians mandate. Protection of civilians mandates are considered a part of the "robust" peacekeeping missions the United Nations is being asked to deploy. Too often the mandate to protect civilians is not matched by appropriate resources or contains caveats that allow missions to only conduct this task within their capacities or in their areas of deployment. As civilian protection is required throughout a United Nations mission's area of operations it is considered imperative that resources (specifically personnel) authorized for United Nations missions with protection mandates are sufficient to enable the successful conduct of this important task for the benefit of all civilians.

The requirement to develop guidance or doctrine to assist peacekeepers conduct protection of civilians tasks was considered to be of significant importance. The guidelines should address clear articulation of the requirements of a protection of civilians mandate, strategies for the development of humanitarian space, guidance on strengthening community-based structures and community liaison, strategies for the development of focused community-based civil-military coordination projects, and guidance for the development of clear and unambiguous rules of engagement.

**Session 3: Improving the situation: What is being done to improve the situation? What else needs to be done?**

This session focused on the joint Department of Peacekeeping Operations and Office for the Coordination of Humanitarian Affairs commissioned study on protection of civilians. The study is due for release in summer 2009 and is designed as a continuation of initiatives within the United Nations Security Council to clarify the requirements of protection mandates and learn from the experiences of missions mandated to protect civilians since 1999. The study aims to:

- Identify the experiences and difficulties experienced by key actors involved in executing protection mandates.
- Identify the protection tasks required to conduct a protection of civilians mandate successfully.
- Identify best practices in the conduct of protection of civilians tasks.

- Identify and recommend strategies likely to have the greatest impact in the conduct of protection of civilians mandates.

Initial findings by the Independent Study Group indicate that credibility is a key requirement for success. If United Nations missions tasked to protect civilians are unable to do so in the early stages of deployment, the civilian population will lose confidence and spoilers will be emboldened to continue their activities. It is therefore important that appropriate resources are provided to the mission from the outset to permit rapid response to threats of violence against civilian populations. It is equally important that predeployment training, particularly for peacekeeping forces, ensures a clear understanding of the requirements of the mandate and the parameters within which peacekeeping forces can operate.

The Independent Study Group has also identified some key questions that need to be answered when mandating protection of civilians tasks:

- Does the United Nations mission have the necessary authority to conduct protection of civilians tasks?
- Does the United Nations mission have the capacity, resources, and willingness to conduct protection tasks?
- Has the United Nations mission developed a strategy that will synchronize all available agencies and resources, including with civil society and the civilian population, to ensure a successful outcome?

The Independent Study Group anticipates that the study will assist the United Nations Security Council identify the shortcomings in crafting protection of civilians mandates by examining the relationship between stated mandates and actual activities in United Nations missions over the past 10 years.

**Conclusion**

There is interest across a wide range of Member States in pursuing further the practical implementation of protection of civilians mandates in peacekeeping operations. Hearing from the experiences of leaders of peacekeeping missions was particularly useful. We look forward to receiving the Department of Peacekeeping Operations/Office for the Coordination of Humanitarian Affairs commissioned independent study. We intend to conduct a further workshop, after the release of the study, to bring together Member States, field officers, and Secretariat staff to discuss the findings of the study and explore the issue further.